

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America
v.

DOMINIQUE VALENTINO TURNER

Date of Original Judgment: 06/14/2006

Date of Previous Amended Judgment: 01/13/2008

(Use Date of Last Amended Judgment if Any)

Case No: 05-00105-001

USM No: 09338-003

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

The court originally imposed a 138 mo. sentence on each of counts Two and Three after a motion for downward departure for substantial assistance was filed. That sentence was 47.5% off the low end of the Guideline range. When the crack cocaine guidelines were amended and made retroactive in 2008, the court reduced the sentence on Count Two to the statutory mandatory minimum of 120 months, because the original substantial assistance motion was not made pursuant to 18 USC 3553(e). Therefore, a 120 month sentence is still applicable to Count Two even though the crack cocaine guidelines have again been amended and made retroactive. Count Three was a money laundering charge, and not subject to a reduction. The sentence on Count Three thus remains 138 months.

Except as otherwise provided, all provisions of the judgment dated 01/13/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/22/2011

/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge

Printed name and title